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RESOLUTION 1237 (1999)

Adopted by the Security Council at its 3999th meeting,
on 7 May 1999

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998, as well as resolution 1229 (1999) of 26 February 1999,

Reaffirming its commitment to preserve the sovereignty and territorial integrity of Angola,

Reiterating that the primary cause of the present crisis in Angola is the refusal of the União Nacional Para a Independência Total de Angola (UNITA), under the leadership of Mr. Jonas Savimbi, to comply with its obligations under the "Acordos de Paz" (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and relevant Security Council resolutions,

Expressing its alarm at the humanitarian effects of the present crisis on the civilian population of Angola,

Emphasizing its strong concern at reports of the provision of military assistance, including mercenaries, to UNITA,

Having considered the recommendations contained in section IV of the report of the Secretary-General of 17 January 1999 (S/1999/49) concerning improving the implementation of the measures imposed against UNITA, and having endorsed the recommendations contained in the report of 12 February 1999 (S/1999/147) of the Committee established pursuant to resolution 864 (1993),

Welcoming the recommendations contained in the letter and its enclosure of 4 May 1999 (S/1999/509) of the Chairman of the Committee established pursuant to resolution 864 (1993),

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1. Stresses that lasting peace and national reconciliation in Angola can only be achieved through a political settlement of the conflict, and in this regard reaffirms the importance of the "Acordos de Paz" and the Lusaka Protocol;

2. Welcomes and endorses the planned visits by the Chairman of the Committee established pursuant to resolution 864 (1993) to Angola and other concerned countries to discuss ways to improve the implementation of the measures against UNITA specified in paragraph 5 below;

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Determining that, as a result of the refusal of UNITA to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, the current situation in Angola continues to constitute a threat to international peace and security in the region,

Emphasizing its concern at reports of violations of the measures concerning arms and related matériel, petroleum, diamonds and financial assets, imposed against UNITA, contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998), and in this context acting under Chapter VII of the Charter of the United Nations,

3. Deplores the deteriorating situation in Angola, which is primarily due to the refusal of UNITA, under the leadership of Mr. Jonas Savimbi, to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions;

4. Condemns the continued, indiscriminate attacks by UNITA against the civilian population of Angola, particularly in the cities of Huambo, Kuito and Malange;

5. Stresses the obligation of all Member States to comply fully with the measures imposed against UNITA contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998);

6. Endorses the letter and its enclosure of 4 May 1999 of the Chairman of the Committee established pursuant to resolution 864 (1993) and decides to establish the expert panels referred to therein for a period of six months with the following mandate:

(a) To collect information and investigate reports, including through visits to the countries concerned, relating to the violation of the measures imposed against UNITA with respect to arms and related matériel, petroleum and petroleum products, diamonds and the movement of UNITA funds as specified in the relevant resolutions and information on military assistance, including mercenaries;

(b) To identify parties aiding and abetting the violations of the above-mentioned measures;

(c) To recommend measures to end such violations and to improve the implementation of the above-mentioned measures;

7. Requests the Chairman of the Committee established pursuant to resolution 864 (1993) to submit to the Council no later than 31 July 1999 an interim report of the expert panels regarding their progress and preliminary findings and recommendations and to submit to the Council within six months of the formation of the expert panels their final report with recommendations;

8. Calls upon all States, relevant United Nations bodies and concerned parties, as appropriate, including non-governmental organizations and enterprises, to cooperate in a full and timely manner with the expert panels to facilitate the implementation of their mandate, including by making available to the expert panels information relating to their mandate;

9. Calls upon the Governments of the States concerned in which the expert panels will carry out their mandate to cooperate fully with the expert panels in the fulfilment of their mandate, including responding positively to requests from the expert panels for security, assistance, and access in pursuing investigations, including:

(a) Adoption by them of any measures needed for the expert panels and their personnel to carry out their functions throughout the respective territories with full freedom, independence, and security;

(b) Provision by them to the expert panels or to the Chairman of the Committee established pursuant to resolution 864 (1993) of information in their possession which the expert panels request or is otherwise needed to fulfil their mandate;

(c) Freedom of access for the expert panels and their personnel to any establishment or place they deem necessary for their work, including border points and airfields;

(d) Appropriate measures to guarantee the safety and security of the personnel of the expert panels and guarantees by them of full respect for the integrity, security and freedom of witnesses, experts and any other persons working with the expert panels in the fulfilment of their mandate;

(e) Freedom of movement for the personnel of the expert panels, including freedom to interview any person in private, at any time, as appropriate;

(f) The grant of relevant privileges and immunities in accordance with the General Convention on the Privileges and Immunities of the United Nations;

10. Expresses its concern at the delays in the investigations into the downing on 26 December 1998 and 2 January 1999 of two aircraft chartered by the United Nations and the loss under suspicious circumstances of other commercial aircraft over UNITA-controlled areas in Angola as well as the crash on 26 June 1998 in Côte d'Ivoire of the aircraft carrying the Special Representative of the Secretary-General to Angola and other United Nations personnel, and reiterates its call upon all concerned to cooperate fully with

and to facilitate an immediate and objective international investigation of these incidents;

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11. Endorses the recommendation contained in the letter and its enclosure of 4 May 1999 of the Chairman of the Committee established pursuant to resolution 864 (1993) that the expert panels be supported as an expense of the Organization and through a United Nations Trust Fund established for this purpose, requests the Secretary-General to take the necessary steps towards this end, and urges States to make voluntary contributions to this Trust Fund;

12. Reiterates its call upon all concerned to cooperate with the United Nations humanitarian assistance activities on the basis of the principles of neutrality and non-discrimination, to facilitate the delivery of humanitarian assistance to all those in need throughout the territory of Angola and to guarantee unconditionally the security and freedom of movement of humanitarian personnel;

13. Expresses its strong support for further consultations between the Secretary-General and the Government of Angola regarding the follow-up configuration of the United Nations presence in Angola;

14. Decides to remain actively seized of the matter.